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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,956	08/23/2001	Christopher M. Bezzina	1025E-M27	1590

22442 7590 11/19/2003

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EXAMINER
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SICONOLFI, ROBERT

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

812

**Office Action Summary**

Application No.

09/935,956

Applicant(s)

BEZZINA, CHRISTOPHER M.

Examiner

Robert A. Siconolfi

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Amendment filed on 1/9/03 has been received.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,4,5,7,8, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Eberling (U. S. Patent no. 6,322,159).

Pressure switch 24, electric switch 20 with control assembly (push/pull knob), solenoid valve 22. Note: the claims merely state a threshold pressure. They do not state which pressure is being measured.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3683

5. Claims 1, 6-8, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer et al in view of Eberling.

Cramer et al discloses:

See figure solenoid pilot valve 74, parking brake release actuator (valve) 78, pressure sensor/switch 58,60, control assembly 62, electric switch assembly 64, conductor connected to solenoid 72,

Regarding claims 7 and 8, see column 1 lines 22-26

Cramer et al incorporates by reference the control of Vandemotter (U. S. Patent no. 4,763,959) see column 2 lines 53-55. Vandemotter discloses explicitly that if the pressure detected is less than a threshold the parking brakes are not released see Vandemotter column 4 lines 20-24

Cramer et al does not disclose having the pressure switch directly controlling the electric switch assembly upon detection of a pressure less than a threshold.

Eberling teaches a pressure switch directly controlling the electric switch assembly (by interrupting the circuit) upon detection of a pressure less than a threshold. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the electric switch assembly upon detection of a pressure less than a threshold as taught by Eberling in the system of Cramer in order to reduce the complexity of the system. This leads to lower costs since expensive processors and programming is eliminated. Only simple off the shelf components are used.

6. Claims 2-5,9,11,13-15,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer, as modified, in view of Hayden (U. S. Patent no. 4,095,213).

Art Unit: 3683

Cramer, as modified, is relied upon as above. Cramer, as modified, does not disclose the electric switch assembly changing between a first and a second position automatically. Hayden teaches an electric switch assembly that automatically changes between a first and a second position ( return spring 52, solenoid 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the automatically changing switch as taught by Hayden in the system of Cramer, as modified, in order to provide an indicator means to the vehicle operator that clearly indicates the parking brakes status. The system of Cramer et al only indicates the status by a light. The push/pull knobs used can be physically in but the switch is not connected due to the low pressure. The physical position of a switch like Hayden would correspond to the parking brakes status and thereby not create any confusion.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-9, 11, and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


Art Unit: 3683

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 703-305-0580. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Robert A. Siconolfi  
Examiner  
Art Unit 3683

RS